

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

MERLIN ENTERPRISES LLC,

Plaintiff,

v.

LIBERTY MUTUAL GROUP  
d/b/a LIBERTY MUTUAL INSURANCE  
COMPANY,

Defendant.

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Case No. 2:20-cv-00213

Judge

**NOTICE OF REMOVAL**

Now comes Liberty Mutual Group d/b/a Liberty Mutual Insurance Company, (“Liberty”), by and through counsel, and for its Notice of Removal of this action from the Circuit Court of Wood County, West Virginia, to the United States District Court for the Southern District of West Virginia states:

1. Merlin Enterprises LLC (“Plaintiff”) filed suit in the Circuit Court of Wood County, West Virginia in Civil Action No. 19-C-137 on or about February 24, 2020. Plaintiff’s Complaint alleges causes of action against Liberty for breach of contract, breach of common law duty of good faith and fair dealings, claims arising under the Unfair Trade Practices Act, and the West Virginia Insurance Commissioner’s regulations, compensatory damages, all extra-contractual damages, punitive damages, pre-judgment interest, post-judgment interest, and attorney fees.

2. Liberty was served with Plaintiff’s Complaint, not more than 30 days ago, on February 24, 2020.

3. This Court has original jurisdiction over this type of action pursuant to 28 U.S.C. § 1332(a)(1), and Liberty may therefore remove this action to this Court pursuant to 28 U.S.C. §1441(a), for:

- a. Complete diversity of citizenship exists between Plaintiff, who resides in West Virginia, and Liberty, which is incorporated in and maintains its principal place of business in Massachusetts; and
- b. Liberty believes the judgment against it if Plaintiff prevails on the merits of the case as presented in the Complaint could exceed \$75,000, exclusive of costs and interest, given that Plaintiff seeks to recover: (i) compensatory damages for structural damages which Plaintiff has previously alleged exceed \$75,000; (ii) pre and post judgment interest; (iii) punitive damages; (iv) all extra-contractual damages; and (v) attorney fees.

4. This action has been pending less than a year.

5. As required by 28 U.S.C. § 1446(a), Liberty is attaching as “Exhibit A” a copy of each process, pleading and order it has received.

6. No party other than Liberty is currently a defendant in the case, so no other party needs to consent to the removal of this action.

Respectfully Submitted,

/s/ William M. Harter

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*Attorneys for Liberty Mutual Group  
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**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing was served via U.S. mail, postage prepaid, this 24<sup>th</sup> day of March 2020, on:

Todd Wiseman  
Wiseman Law Firm, PLLC  
1510 Grand Central Ave.  
Vienna, WV 26105  
*Attorney for Plaintiff*

/s/ William M. Harter

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